

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CELSO MORALES-DIAZ,

Plaintiff,

Case No. 20-cv-0469-bhl

v.

METALCRAFT OF MAYVILLE INC,

Defendant.

ORDER

On February 22, 2021, plaintiff's counsel moved to withdraw as attorney for plaintiff in this case. (ECF No. 23.) Plaintiff's counsel explains that there has been "a major breakdown in communication which is so significant that it prevents Counsel from providing adequate representation" to plaintiff. (¶ 2, ECF No. 23.) Defendant does not object, but argues that plaintiff's counsel has acted unreasonably and vexatiously to multiply the proceedings against it such that sanctions and an award of attorneys' fees are warranted. (ECF No. 25.) Alternatively, defendant requests that the case be dismissed with prejudice for lack of prosecution under Fed. R. Civ. P. 41(b), as the Court has done previously in a related case on similar grounds.

The Court finds that plaintiff's failure to communicate constitutes cause to grant his counsel's request to withdraw from this case and also serves as grounds to dismiss this case for plaintiff's failure to prosecute. The Court also finds that the actions of plaintiff's counsel are not sanctionable and attorneys' fees are not warranted for defendant's counsel. *See Suslick v. Rothschild Sec. Corp.*, 741 F.2d 1000, 1006 (7th Cir. 1984) ("There are two prerequisites for imposition of fees under §1927: (1) the actions by the attorney must multiply the proceedings, and (2) these actions must be vexatious and unreasonable."). Accordingly,

IT IS HEREBY ORDERED that plaintiff's counsel's motion to withdraw, ECF No. 23, is **GRANTED**.

IT IS FURTHER ORDERED that this case is **DISMISSED with prejudice** for failure to prosecute pursuant to Fed. R. Civ. P. 41(b) and Civil L. R. 41(c).

Dated at Milwaukee, Wisconsin on March 19, 2021.

s/ Brett H. Ludwig

BRETT H. LUDWIG
United States District Judge